BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF	Case No. BLNR-CC-16-002
Contested Case Hearing Re Conservation District Use Application (CDUA) HA-3568 For the Thirty Meter Telescope at the Mauna Kea Science Reserve, Ka'ohe Mauka, Hamakua, Hawai'i TMK (3) 4-4-015:009	Minute Order No. 4; Certificate of Service

Minute Order No. 4

I. Introduction

On December 2, 2015, in *Mauna Kea Anaina Hou v. Board of Land and Natural Resources,* 136 Hawai'i 376, 363 P.3d 224 (2015), the Hawai'i Supreme Court remanded the captioned matter to the circuit court to further remand to the Board of Land and Natural Resources (the "Board") "for proceedings consistent with this opinion, so that a contested case hearing can be conducted before the Board or a new hearing officer, or for other proceedings consistent with this opinion."

On January 29, 2016, the Department of Land and Natural Resources (DLNR) published a notice to attorneys interested in providing legal services to DLNR as the hearing officer in the Thirty Meter Telescope conservation district use permit application contested case.

On February 22, 2016, the circuit court issued its order remanding the matter to the Board.

On February 26, 2016, the Board met, as part of, and to discharge its adjudicatory function governed by § 91-9, Hawaii Revised Statutes (HRS), and delegated the conduct of the contested case hearing to a hearing officer, pursuant to § 13-1-32(b) of the Hawaii

Administrative Rules ("HAR"), and confirmed that its Chairperson was authorized to engage the services of a hearing officer pursuant to law (Minute Order No. 2).

On April 1, 2016, by Minute Order #1, pursuant to HRS § 103D-304, after evaluation by a selection committee consisting of the Honorable James E. Duffy, Jr., Associate Justice of the Hawai'i Supreme Court (Ret.), Stella M.L. Kam, Deputy Attorney General, State of Hawai'i, and Christopher J. Yuen, BLNR Member, the Honorable Riki May Amano, Circuit Judge of the Third Circuit (Ret.) ("Judge Amano") was selected as the hearing officer in this matter.,

On April 15, 2016, in response to Minute Order No. 1 and Minute Order No. 2, filed on March 31, 2016 and April 8, 2016, respectively, Petitioners Mauna Kea Anaina Hou, Kealoha Pisciotta[1], Clarence Kukauakahi Ching, Flores-Case Ohana, Deborah J. Ward, Paul K. Neves and Kahea: The Hawaiian Environmental Alliance (together "Petitioners") filed their objections to the selection process and appointment of the hearing officer made pursuant to Minute Order No. 1 ("Petitioners' Objections"), and Applicant University of Hawai'i at Hilo ("UH-Hilo") filed its response to Minute Orders No. 1 and 2.

On April 21, 2016, UH-Hilo filed a response to Petitioners' objections to the selection process and appointment of the hearing officer made pursuant to Minute Order No. 1.

Judge Amano filed supplemental disclosures on April 8, 2016, April 25, 2016, and April 27, 2016. Minute Order No. 3, filed on April 29, 2016, provided the parties

[1] Petitioners' Objections identify Kealoha Pisciotta as a Petitioner. Ms. Pisciotta, individually, is not a party to the contested case. In the first Thirty Meter Telescope project contested case, she was not a party, but the president and pro se representative of Mauna Kea Anaina Hou.

with another opportunity to submit their comments to Judge Amano's disclosures and the parties' responses.

On May 2, 2016, Petitioners filed "Petitioners' Responsive and Supplemental Objections to Selection Process and to Appointment of Hearing Officer Made Pursuant to Minute Order No. 1, Dated March 31, 2016" ("Petitioners' May 2 Objections").

The Board met on April 22, 2016, and on May 4, 2016, to deliberate in order to carry out its adjudicatory functions under HRS § 91-9. Petitioners' Objections to Judge Amano were construed as a motion to disqualify her as the hearing officer. Having reviewed the filings and disclosures, and for the reasons stated herein, the Board denies Petitioners' Objections to the selection process and motion to disqualify Judge Amano as the hearing officer.

Petitioners raise two types of objections: (1) objections to the selection process; and (2) objections to the hearing officer. The Board addresses each in turn.

II. Objections to the Selection Process

Petitioners claim that the notice to attorneys interested in providing legal services to DLNR as the hearing officer in the Thirty Meter Telescope conservation district use permit application contested case, was improperly published on January 29, 2016. Petitioners cite no case or law to support their contention that a delegation is required before the issuance of a solicitation notice. On its face, solicitation of potentially interested applicants is a clerical or administrative step that calls for no exercise of discretion and requires no delegation by the Board.

HRS § 103D-304, which provides for the procurement of professional services by state agencies, does not require a formal delegation prior to publication of a solicitation

notice. On the contrary, solicitation of professional services as an anticipatory precursor is provided for in the law. The law allows publication of solicitation notices for "anticipated" needs before the beginning of each fiscal year. HRS § 103D-304(b). The law also provides for additional notices where the initial response is inadequate or new needs for professional services arise. HRS §§ 103D-304(b)(1)-(3). The solicitation notice was properly published.

Nor does the solicitation in any way indicate prejudgment of any issue. The Board has not, as a whole, conducted a full contested case hearing in any matter for many years. It was reasonable to publish additional notice in anticipation that the Board might elect to refer the matter to a hearing officer. If the Board chose not to refer the matter to a hearing officer, then the solicitation notice and responses would simply be moot.

Petitioners also claim that the Board's actions on February 26, 2016, where the Board delegated the conduct of the contested case to a hearing officer and authorized the Chairperson to select a hearing officer, should have been made in an open meeting pursuant to HRS chapter 92 (the "Sunshine Law"). On that date, the Board met to discharge its adjudicatory functions - to determine how to proceed with the contested case hearing - consistent with the Supreme Court's decision in *Mauna Kea Anaina Hou v. Board of Land and Natural Resources,* its subsequent remand order to the circuit court, and the circuit court's remand on February 22, 2016 back to the Board to conduct a contested case hearing. The Board noted that it had previously authorized a contested case and delegation to a hearing officer and that the matter had been remanded "so that a contested case hearing can be conducted before the Board or a new hearing officer." The

contested case resumed upon remand, so that when the Board met on February 26, 2016, that meeting was, once again, held within the context of a contested case hearing.[2]

The Sunshine Law does not apply to boards exercising adjudicatory functions, such as conducting a contested case hearing pursuant to HRS § 91-9. *See Outdoor Circle v. Harold K.L. Castle Trust Estate,* 4 Haw.App. 633, 641, 675 P.2d 784, 790 (1983) (noting that the Sunshine Law does not apply to adjudicatory functions of administrative agencies other than the Land Use Commission). The State of Hawai'i Office of Information Practices has previously acknowledged that the definition of "adjudicatory functions" includes the contested case hearing as a whole, not just the deliberative process. OIP Opinion Letter, No. 04-14 at 3 (August 27, 2004). Petitioners' citation to HRS § 92-1, the "declaration of policy" that the law be strictly construed against closed meetings, does not require a limited interpretation of "adjudicatory functions." HRS § 92-6(a) provides that "this part," which includes HRS § 92-1 "does not apply ... to adjudicatory functions exercised by a board and governed by sections 91-8 and 91-9." The Board's decision to delegate authority to a hearing officer and the selection of a hearing officer are properly "adjudicatory functions."

Petitioners claim that if the February 26, 2016 meeting was adjudicatory in nature, which it was, then they should have received notice of it pursuant to HRS § 91-9. That statute and HRS § 91-9.5 require that notice of the contested case hearing itself be served on the parties by registered or certified mail. These statutes do not encompass matters

[2] Similarly, when the Board met on April 22, 2016 and May 4, 2016, to deliberate on Petitioners' Objections, its actions were similar to a court's deliberations prior to issuing an order.

ancillary to the contested case hearing. Petitioners were not required to receive notice of the February 26, 2016 meeting.

III. Objections to Hearing Officer

Because of the importance the Board places on having an impartial hearing officer, the Board's consideration of Petitioners' motion to disqualify Judge Amano as the hearing officer are set forth at length. Petitioners' objection to Judge Amano is based upon the "family membership" of Judge Amano and her husband in the 'Imiloa Astronomy Center ("'Imiloa)". Petitioners allege that the following facts constitute "probability of unfairness" and "appearance of impropriety":

- 'Imiloa is a part of the University of Hawai'i-Hilo, a party to this contested case and the applicant for the conservation district use permit;
- The 'Imiloa website shows that Judge Amano and her husband have been "family members" of 'Imiloa for at least a few years, paying $85 per year;
- The Final Environmental Impact Statement ("FEIS") for the Thirty Meter Telescope project, the subject of this application, indicates that the project's mitigation measures will include working with 'Imiloa to develop exhibits that will showcase the natural resources of Mauna Kea, which may be displayed at 'Imiloa; and
- TMT International Observatory, LLC ("TMT") has donated in excess of $100,000 to educational activities, with some unspecified amount going to 'Imiloa, and that TMT is listed as a corporate sponsor of 'Imiloa on its website.

Although not mentioned by Petitioners, at least one 'Imiloa employee testified as a witness at the prior contested case hearing. The Board's 2013 Decision and Order, vacated by the Supreme Court in *Mauna Kea Anaina Hou*, also included a condition that "working with" 'Imiloa, TMT would develop exhibits "regarding the natural, cultural, and archaeological resources of Mauna Kea." While the Board cannot predict what witnesses will be called in this contested case hearing, or what conditions the Board might impose if it grants the application, foreseeable 'Imiloa connections should be considered in the current motion to disqualify.

Judge Amano submitted a second supplemental disclosure, filed on April 25, 2016, stating that:

- She and her husband have had a family membership, paying $85 per year, since April 2008. Their membership will expire on May 24, 2016, and they will not renew;
- "Over the last 8 years, we have had no involvement with the control, management, oversight or governance of the organization. We have not served in any capacity at 'Imiloa other than Family Members[;]"
- She has been to the planetarium five to six times, total, and has used the 10% discount at the 'Imiloa restaurant and gift shop about three times per year;
- She was unaware that 'Imiloa was part of UH-Hilo; and
- "It never crossed my mind that 'Imiloa was or could be connected with this case" and she "does not believe any responsible person would consider my passive family membership of 'Imiloa likely to affect my impartiality as a hearings officer in this case."

A review of the 'Imiloa website shows that it offers various levels of membership to the general public, like the Bishop Museum, Honolulu Museum of Art, or other similar institutions. There is, for example, an "individual Membership" for $50 per year, which entitles one person to unlimited free admission plus discounts at the restaurant and gift shop. A "Family Membership," for $85 per year, allows unlimited free admission for two adults and five children, plus the discounts. Current 'Imiloa admission is $17.50 for adults, $9.50 for children aged 5-12.

The website also says that membership supports 'Imiloa's educational programs and our work to inspire tomorrow's explorers to reach for the stars." 'Imiloa educational programs, like "Camp 'Imi-Possible," a summer program, are designed to foster interest by young people in science, including geology, climatology, exploration, nano-science, and nano-technology.

A "family membership" does not confer any right to participate in 'Imiloa's governance or decisionmaking, in contrast to organizations where members may vote for a board of directors or other officers. A "family membership" in 'Imiloa means only that the member has prepaid the admission for two people and five children and receives some discounts at the restaurant and gift shop.

Hawai'i follows an "appearance of impropriety" standard for the disqualification of decisionmakers in administrative adjudication. *Sussel v. City and County of Honolulu,* 71 Haw. 107, 784 P.2d 867 (1989). Because the standard is similar to that for disqualification of judges, rules and case law concerning judges may provide more specific guidance on how to apply the "appearance of impropriety" standard to specific

circumstances. The board believes it is important to look at specific rules and case law that apply to similar situations rather than simply quoting general principles of law.

Petitioners, citing *Madamba Contracting, LLC v. Romero,* 137 Hawai'i 1, 364 P.3d 518 (2015), argue that Judge Amano's initial nondisclosure of her and her husband's 'Imiloa "family membership" is, itself, evidence of bias requiring disqualification. Petitioners misunderstand the ruling in *Madamba* and its applicability to this case.

Madamba was based on the arbitration statute, which has specific disclosure requirements, HRS § 658A-12(a), and specific legal consequences for nondisclosure. This statute does not apply to judges or hearing officers, although the basic need for impartiality is similar. There are differences between arbitrators and hearing officers. The arbitrator decides the case and subsequent court review is very limited. A hearing officer makes a recommendation; the board makes the final decision; and the final decision can be reviewed on appeal under the standards of HRS § 91-14. *See Madamba,* 364 P.3d at 528 ("we should, if anything, be even more scrupulous to safeguard the impartiality of arbitrators than judges, since the former have completely free rein to decide the law as well as the facts…"). Since 2001 when the arbitration statute was enacted in its present form, no Hawai'i appellate court decision has applied its disclosure provisions to the issue of the disqualification or recusal of a judge or hearing officer.

In any event *Madamba* reiterated that the general standard applicable to arbitrators is whether the arbitrator has "disclose[d] facts that a reasonable person would consider likely to affect the impartiality of the arbitrator." 137 Hawai`i at 9, 364 P.3d at 526. *Madamba* does not say, as Petitioners suggest, that nondisclosure is automatic proof of evident partiality. Instead, if the arbitrator fails to disclose facts, then a somewhat

stricter standard is applied – the question becomes whether the "undisclosed facts demonstrate a reasonable impression of partiality." 137 Hawai`i at 10, 364 P.3d at 527. Even assuming the standard in *Madamba* applies to this case, for the reasons stated herein, the circumstances related to Judge Amano's 'Imiloa membership do not meet the standard articulated for non disclosure ("reasonable impression of partiality").

Petitioners appear to suggest that because UH-Hilo is a party to the contested case and 'Imiloa is an affiliate of UH-Hilo, that the Board should treat 'Imiloa as a party when considering whether to disqualify Judge Amano. The Hawai'i Revised Code of Judicial Conduct (2008), Rule 2.11(a)(2)(A), directly addresses the issue of how to treat Judge Amano's membership if 'Imiloa is assumed to be a party to the contested case. The rule provides that a judge shall disqualify herself if the judge or her specific listed relative are "a party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party." While this list is not exhaustive, what is significant to the Board is that all of these grounds involve some kind of fiduciary or managerial relationship between the judge (or the judge's relative) and the party. Such relationships do not remotely resemble the "family membership" at issue here. A person holding a "family membership" owes no duty of loyalty to 'Imiloa that would create a bias in its favor, nor would a reasonable person infer such a bias. Judge Amano has had no managerial role in 'Imiloa, and her "family membership" did not give her a vote on 'Imiloa's governance.

A "family member" derives no benefits from TMT's past or future contributions to 'Imiloa that would come close to an interest which would disqualify a judge or hearing officer. At most, if the conservation district use permit application for the Thirty Meter Telescope project were approved and TMT helped develop exhibits as suggested in the

FEIS, a "family member" would be able to view some new exhibits. No reasonable person would infer that the possibility of this "benefit" would override the hearing officer's duty to make an impartial recommendation to the Board. Moreover, charitable contributions by a party to an institution that the judge also supports do not disqualify a judge. *Armenian Assembly of America v. Cafesjian*, 783 F.Supp.2d 78 (D. D.C. 2011) (contributions by a judge and a party to the same museum to purchase the same artwork did not show partiality by judge). Judge Amano's 'Imiloa membership is a "de minimus" interest under Rule 2.11(a)(2)(C) of the Hawai'i Code of Judicial Conduct, and it does not rise to the level of an "appearance of impropriety."

Although not raised by Petitioners, the Board also considers whether Judge Amano's 'Imiloa membership shows general bias that should disqualify her as the hearing officer. The leading Hawai'i case on the disqualification of a decisionmaker for bias in an administrative context is *Sussel, supra.* In that case, the civil defense director believed that his job was protected by civil service. The new mayor, however, believed it was an appointed position and replaced him. Sussel's appeal was heard by the Civil Service Commission, whose chairman had been appointed by the new mayor. The Supreme Court held that the chairman should have been disqualified based on the "appearance of impropriety" because he had been a longtime friend of the mayor, had contributed to the mayor's and managing director's fundraisers, and was the "president and majority stockholder (70%) of MTL, Inc., a non-profit corporation which is under exclusive contract... to provide bus service to the City." While *Sussel* does not establish the minimum relationship which would create an "appearance of impropriety," Judge Amano's $85 per year 'Imiloa membership is far less connected than the *Sussel*

commissioner's exclusive contract to run Honolulu's bus system. No actual evidence in the record, including but not limited to any of the parties' filings in this matter, suggests that Judge Amano is being pressured because of her membership in 'Imiloa, or that she has such a deep affiliation which could affect her judgment. Courts have found no "appearance of impropriety" in situations where the judge was much more closely connected to a party than Judge Amano is to 'Imiloa. *See, e.g. In re Complaint of Judicial Misconduct*, __ F.3d __, 2016 WL 963780 (9th Cir. 2016) (no appearance of impropriety in a judge hearing a suit against his alma mater, where he was on the board of the alumni association and where he had been an adjunct professor).

Prior membership in an organization that advocates particular positions also does not disqualify a judge from hearing cases that implicate those views. In *Sierra Club v. Simkins*, 847 F.2d 1109 (4th Cir. 1998), the trial judge had been a member of the Sierra Club but resigned after being appointed to the bench. In a case brought by the Sierra Club against a company alleged to have violated pollution laws, the appellate court denied a request that the trial judge be disqualified. The court held that the judge's prior membership in this advocacy organization did not raise reasonable doubts about his impartiality.

In *Wessmann v. Boston School Committee*, 979 F.Supp. 915 (D. Mass. 1997), the judge had been a member of the Board of Directors of the Lawyer's Committee for Civil Rights of the Boston Bar Association before becoming a judge. A party to the case moved for the judge's recusal, arguing that his prior association "links this Court to the organization's ideology." The court held that this involvement with an advocacy group did not create an appearance of impropriety, citing many cases to the effect that a judge's

past opinions and attitudes do not disqualify the judge from hearing cases where those attitudes might be relevant to the ultimate decision.

Judge Amano's 'Imiloa membership is much less indicative of bias than the judges' associations in the *Sierra Club* or *Wessmann* cases. Becoming a member of a typical advocacy organization signifies, in some sense, an endorsement of its views. (And in *Sierra Club* and *Wessmann*, the courts did not find this enough to require disqualification.) In becoming a member at a museum, however, a person shows that he or she is interested enough in the exhibits, restaurant and programs to pay annual dues, but a reasonable person would not conclude that the member necessarily agrees with points of view that the exhibits may express or imply, or necessarily agrees with overall goals of the museum.

Although, again, not raised by Petitioners, the Board further considers whether Judge Amano's 'Imiloa membership indicates an improper prejudgment of the issues in this contested case.

The test for prejudgment is "whether a disinterested observer may conclude that (the agency) has in some measure adjudged the facts as well as the law in advance of hearing it." *Mauna Kea Anaina Hou*, 136 Hawai'i at __, 363 P.3d at 237, quoting *Cinderella Career & Finishing School, Inc. v. Federal Trade Commission*, 425 F.2d 583, 591 (D.C. Cir. 1970).

In *Mauna Kea Anaina Hou*, the Supreme Court found prejudgment because the Board had actually voted on the merits on the conservation district use permit application before holding the contested case hearing. In *Cinderella*, the FTC chairman had made a speech castigating a business while simultaneously holding an administrative hearing

against that same business for deceptive practices.[3] At most, Judge Amano has prepaid for her admission to a museum with displays about astronomy, Mauna Kea, and native Hawaiian culture and a restaurant. This does not remotely resemble the prejudgment found objectionable in the *Mauna Kea Anaina Hou* or *Cinderella* cases, or in any other reported decision. To say, as Petitioners claim, that 'Imiloa membership shows "personal (and financial) support of the astronomy mission at UH-Hilo" (Petitioners' May 2 Objections) extrapolates far too much from the Judge's decision to prepay admission to view some exhibits and planetarium shows, obtain some discounts, and have her contribution support science education. "The law will not suppose a possibility of bias or favour in a judge." *State v. Ross*, 89 Hawai'i 371, 381 974 P.2d 11, 21 (1998) (citation omitted). And even past membership in an organization that advocates certain views does not mean that a judge is implied to be partial to those views. *Sierra Club, supra*; *Wessmann, supra.*

The mere exposure to exhibits about astronomy on Mauna Kea such as may be seen at 'Imiloa does not imply prejudgment of any of the factual issues in this case. *See Withrow v. Larkin*, 421 U.S. 35, 55 (1975) (a disciplinary board which had heard evidence against the accused in a prior investigatory proceeding can fairly conduct a contested case hearing against the accused.)

As discussed above, Petitioners cite to *Madamba Contracting, LLC v. Romero,* 137 Hawai'i 1, 364 P.3d 518 (2015). Even if *Madamba* and the arbitration statute apply

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[3] Petitioners do not claim that Judge Amano has expressed any opinion at all on the merits of this application. Even if she had expressed a prior opinion, which she has not, the fact that a judge actively advocated a legal, constitutional, or political policy or opinion before becoming a judge is not a bar to adjudicating a case that implicates that opinion or policy. *Laird v. Tatum*, 409 U.S. 824, 830 (1972).

in this case, Judge Amano's initial nondisclosure of her 'Imiloa membership does not show partiality. "Whether a failure to disclose creates a reasonable impression of partiality is a fact-driven question requiring a close analysis of the circumstances." *Madamba*, 364 P.3d at 532. The Board has carefully deliberated as to Judge Amano's statement that she did not see any connection between 'Imiloa and the conservation district use permit application, and her statement that she did not know that 'Imiloa was part of UH-Hilo. Petitioners allege three connections between 'Imiloa and this application: (1) that TMT might work with 'Imiloa to make new exhibits, (2) that TMT has contributed to 'Imiloa, and (3) that 'Imiloa is part of UH-Hilo. A person would have known the potential for new exhibits only through careful reading of the FEIS or 2013 Decision and Order. While there may be some publicly available information, such as on 'Imiloa's website, that shows that TMT had been a sponsor of 'Imiloa, and that 'Imiloa was part of UH-Hilo, Petitioners have not shown that Judge Amano had actual knowledge of these facts. The Board therefore accepts Judge Amano's statement that she did not know 'Imiloa was part of UH-Hilo or any other claimed connection between it and the current application. The Board would certainly encourage hearing officers to disclose a broad range of known relationships, exceeding the legal minimum. But it will not disqualify Judge Amano for not disclosing her 'Imiloa family membership, which, even in connection with facts she did not know, is not something that a "reasonable person would consider likely to affect the impartiality of the arbitrator." *Madamba, supra.*

The Board finds that under the applicable legal standards, a reasonable person knowing all the facts would not doubt the impartiality of Judge Amano. Judge Amano

disclosed many other potential connections to the parties in this matter, the attorneys representing the parties matter, and to the Hawai'i Island community, none of which the Petitioners dispute. The hearing officer is entitled to a "presumption of honesty and integrity." *Sifagaloa v. Board of Trustees of the Employment Retirement System*, 74 Haw. 181, 193 840 P.2d 367, 372 (1992). That presumption remains intact.

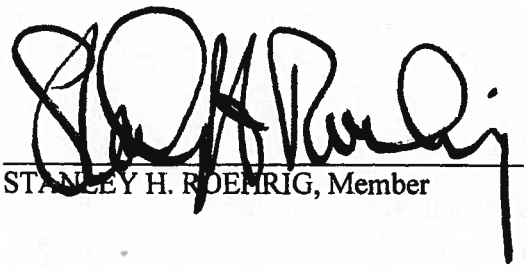
Finally, the Board has considered whether it should, in the exercise of discretion, replace the hearing officer even though no legal grounds exist for disqualification. The Board declines to do so. Judge Amano was selected by a committee as the most qualified hearing officer after a process mandated by law in HRS § 103D-304. Petitioners' basis for her disqualification is that she and her husband paid $85 per year so that they could view exhibits and displays at a museum that focuses on astronomy, Mauna Kea, and Hawaiian culture. The proceeds of the membership go to promote science education with Hawaiian cultural themes. Based on the foregoing, the Board finds no reason to disqualify Judge Amano as the hearing officer.

IV. Conclusion

Petitioners' Objections to the selection process and motion to disqualify Judge Amano as the hearing officer are HEREBY DENIED. This matter is hereby submitted to Judge Amano for her to hold the contested case as required. This order may be executed in counterparts.

DATED: Honolulu, Hawaii, May __, 2016.

SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources



STANLEY H. ROEHRIG, Member

KEITH "KEONE" DOWNING, Member

JAMES A. GOMES, Member

THOMAS OI, Member

ULALIA WOODSIDE, Member

CHRISTOPHER YUEN, Member

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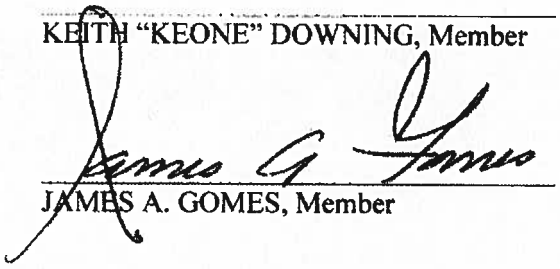

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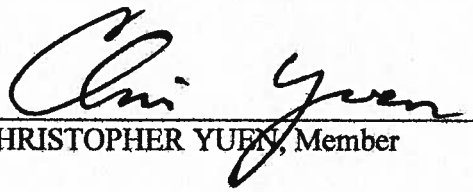

CHRISTOPHER YUEN, Member

STANLEY H. ROEHRIG, Member

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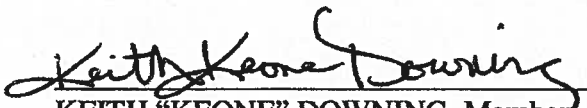
JAMES A. GOMES, Member

/s/ Thomas Oi
THOMAS OI, Member

ULALIA WOODSIDE, Member

CHRISTOPHER YUEN, Member

STANLEY H. ROEHRIG, Member



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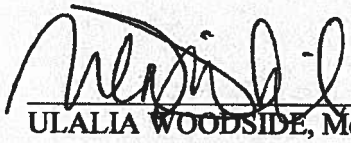

ULALIA WOODSIDE, Member

CHRISTOPHER YUEN, Member

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

Contested Case Hearing Re Conservation District Use Application (CDUA) HA-3568 for the Thirty Meter Telescope at the Mauna Kea Science Reserve, Ka'ohe Mauka, Hāmakua, Hawai'i, TMK (3) 4-4-015:009

Case No. BLNR-CC-16-002

CERTIFICATE OF SERVICE

The undersigned hereby certifies that Minute Order 4, dated May 6, 2016, was served upon the following parties via email and regular mail on May 6, 2016, addressed as follows:

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Dated: Honolulu, Hawai'i, May 6, 2016

Michael Cain
Department of Land & Natural Resources
State of Hawai'i